

Application No. 10/790,763
Reply to Office Action of September 30, 2005

Docket No.: K2020.0005/P005

REMARKS

The application has been reviewed in light of the Office Action mailed on September 30, 2005. Claims 1, 5, 7 – 10, 14, 15, 19 and 23-25 have been canceled. Claims 2, 4, 6, 20, 21, 22, 26 and 30 have been amended without adding new matter. Reconsideration of the application is respectfully requested in view of the foregoing amendments and the following reasons.

Claim 26 is objected to because it depends from claim "44." Claim 26 has been amended to depend from claim 20.

Claims 1-26 and 30 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Lesyna et al., U.S. Patent No. 5,260,581 ("Lesyna"). Claims 1, 5, 7 – 10, 14, 15, 19 and 23-25 have been canceled. Reconsideration of claims 2-4, 6, 11-13, 16-18, 20-22, 26 and 30 is respectfully requested for the following reasons.

The independent claims have been amended to further distinguish the claimed invention over Lesyna. For example, independent claim 20 has been amended to recite that the "control information forming unit" forms the control command information by "using at least treatment room information representing the selected treatment room and treatment plan information specified depending on patient identification information." Support for this amendment can be found, for example, in originally filed claim 1.

Further, claim 20 has been amended to recite that the "control information forming unit" is configured to form "for the first element group disposed in the beam path extended into the selected treatment room, control command information including control data for controlling said first element group." And, "for said first element groups other than the first element group disposed in the beam path

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extended into the selected treatment room, forming control command information including no control data for controlling said first element groups." Support for this amendment can be found, for example, on page 28, line 19 – page 30, line 26; page 48, line 23 – page 50, line 23 of the specification.

Moreover, amended claim 20 recites that the "information confirming unit" is configured to "effect[] said selection of the status information by receiving the element information including all of the status information for all of said first element groups and then excluding, from said all of the status information, the status information for the first element groups corresponding to the control command information including no control data thereby to select only the status information for the first element group corresponding to the control command information including the control data, and effecting said confirmation as said control command information by confirming that the selected status information is matched with the control data included in said control command information." Support for this amendment can be found, for example, on page 48, lines 2-18; page 49, line 16 – page 50, line 23 of the specification.

According to amended claim 20, the "information confirming unit" is configured to "output[] an emission authorization signal after making said confirmation." Support for this amendment can be found, for example, in originally filed claims 23 – 25.

With such features, the present invention can achieve many advantages over the prior art. For example, a durable therapy system can be realized which experiences less reduction of treatment capability in the event of trouble. More specifically, even when a trouble occurs in any one of the plurality of treatment rooms, and a detected signal having a value other than an ordinary one is

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outputted from an electromagnet, selection processing to exclude the relevant treatment room from actual use enables the extracting and determining unit to reliably fulfill the intended role, i.e., the comparison between a command value and an actual value, without being affected by the detected signal having such an unordinary value.

As a result, even when trouble occurs in one of the treatment rooms, the treatment operation can be continued by using the remaining normal treatment rooms. It is hence possible to prevent, or minimize, a possible reduction in treatment capability, and to smoothly continue the treatment. In other words, a durable therapy system can be realized, which undergoes less reduction of treatment capabilities in the event of a trouble.

Lesyna fails to teach or suggest the above quoted limitations of claim 20. Specifically, Lesyna fails to teach or suggest the "control information forming unit" comprising all of the limitations discussed above. For at least this reason, amended claim 20 and claim 26 dependent therefrom, are allowable over Lesyna.

Independent claims 2, 4, 6, 21, 22 and 30 have been amended to recite limitations similar to those of amended claim 20, and are believed to allowable for similar reasons. Claims 3, 11-13 and 16-18 depend from claims 2, 4 and 6 and contain every limitation of their base claims, and should be allowed together with their base claims.

Claims 27-29 stand rejected under 35 U.S.C. § 103 as being unpatentable over Lesyna as applied above, in view of Donnadille, U.S. Patent No. 3,963,935 ("Donnadille"). Reconsideration is respectfully requested. Claims 27-29 depend from claims 20 and 22 and contain every limitation of their base claims. As discussed above, claims 20 and 22 are allowable over Lesyna, and Donnadille adds

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nothing to remedy Lesyna's deficiencies with respect to claims 20 and 22. Claims 27-29 should be allowed together with their base claims.

In view of the above amendments and remarks, Applicants believe that the pending application is in condition for allowance.

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Respectfully submitted,

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